

# **EXHIBIT S**

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

HITUL GANDHI, individually, and on behalf of §  
a class of others similarly situated, §

Plaintiffs, §

v. §

Case No. 1:08-cv-00248

DELL INC., §

and §

DELL MARKETING USA L.P., §

Defendants. §

**DECLARATION OF JEFFREY C. LONDA**

1. My name is Jeffrey C. Londa. I am over the age of 18. I have never been convicted of a felony. I am competent to make this Declaration. The facts contained in this Declaration are within my personal knowledge, and they are true and correct.
2. As of February 27, 2009, Dell has produced a combined total of 3,354 pages of documents (1,033 in Davis and 2,321 in Gandhi) and has taken 15 depositions (5 in Davis and 10 in Gandhi). Plaintiffs have produced 2,409 documents (540 in Davis and 1,869 in Gandhi) and have taken 5 depositions (2 in Davis and 3 in Gandhi). The parties have exchanged written discovery in the form of interrogatories and requests for production.
3. Dell has thus far produced almost 1,400 pages of Plaintiffs' pay stubs during discovery.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on February 27, 2009

  
JEFFREY C. LONDA